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September 17, 2009

VIA FEDERAL EXPRESS AND U.S. MAIL

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 6211

Dear Ms. Duncan:

This letter shall serve as the official response of the Armenian National Committee of America ("ANCA") to the complaint filed with the Federal Election Commission designated as MUR 6211. This complaint was received by the ANCA by September 7, 2009.

The Complaint is incorrect in alleging that the ANCA violated the Federal Election Campaign Act of 1971, as amended ("the Act"). The ANCA did not make any prohibited contributions or expenditures under the Act. It is a nonprofit corporation and files tax returns as an I.R.C. § 501(c)(4) organization. (Attached Declaration of Kenneth V. Hachikian, para. 3.) It is a certified nonprofit corporation under the District of Columbia Non-Profit Corporation Act. (See Certificate of Incorporation attached as Exhibit "A" to Hachikian Declaration.) Organizations organized in this manner ("501(c)(4)s") may engage in political activity, so long as that activity is not the organization's primary purpose. ANCA's primary purpose is not political involvement; it is a civic advocacy organization. Furthermore, the communication was made to ANCA's email communication mailing list and accordingly is not a prohibited expenditure under the Act. Finally, electronic mails are not a regulated "public communication" under the Act.

As a ~~nonprofit~~ 501(c)(4) organization, ANCA sent those communications legally to its mailing list

The communications in question were electronic mails sent by ANCA's Executive Director Aram Hamparian, on ANCA letterhead, to its ANCA mailing list. (Attached Declaration of Aram Hamparian, Para. 2.) These communications were only the second

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time in the past five years that the organization has been involved with direct advocacy of a specific candidate. (Hachikian Decl., para. 4.) The organization also creates an endorsement list of Congressional candidates every two years that endorses approximately 210 candidates. (Hachikian Decl., para. 5.) Other than these described activities, however, ANCA's primary purpose is civic engagement. (Hachikian Decl., para. 6.) Its usual activities include generating grassroots participation in the democratic process, fostering civic awareness and support on issues important to Armenian Americans, educating the public and public policy leaders about the Armenian Genocide, promoting stronger U.S.-Armenia relations, and cultivating young persons to become involved in civic life. (Ibid.) Accordingly, the sending of the two electronic mail communications here were not a primary purpose of the organization.

Furthermore, as the communications were sent to its mailing list, it was not a prohibited corporate contribution or expenditure under the Act. See 11 Code of Federal Regulations section 114.2. Finally, as the electronic mails were sent via the internet, they were not a regulated "public communication" under the Act. 2 U.S.C. § 431(22) defines a "public communication," regulated under the Act, as "a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising." This otherwise extensive list does not include internet communications, including electronic mail.

The communications directed potential donors to a separate entity which accepted the donations and provided the required disclosures

The communications included a electronic link to a separate website run by a separate entity, ActBlue. (Hamperian Decl., para. 3.) That website included all of the necessary disclosures required under the Act. (Hamperian Decl., para. 3.) A true and correct copy of the ActBlue disclosure page that the communications referenced is attached hereto as Exhibit A to the Hamperian Declaration, para. 4.)

Any ANCA expenditures on the communications were a de minimis expense

The communications involved here were very inexpensive, and represent a tiny percentage of the ANCA's annual budget. The group's annual budget is over \$500,000, and less than \$500 in resources was expended in preparing and sending these communications. (Hachikian Decl., para. 7.) Specifically, the group spent \$210 to send the emails and used approximately \$90 in man hours to prepare and transmit the documents. (Ibid.) Accordingly, these communications cost less than one tenth of one percent of the group's annual budget. Thus, even if the Commission does find a

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potential violation here, it is of such a *de minimis* nature that it should not be prosecuted.

For the above reasons, ANCA did not violate the Act. Thus, the Commission should dismiss the complaint.

Please contact me with any questions or concerns. Thank you.

Very truly yours,

BURKE, WILLIAMS & SORENSEN, LLP


SARAH P. GORMAN

SPG:da

cc: Ken Hachikian
Armen Martin, Esq.
Julie Hayward Biggs, Esq.

Enclosures

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS



C E R T I F I C A T E


THIS IS TO CERTIFY that all provisions of the DISTRICT OF COLUMBIA
NON-PROFIT CORPORATION ACT have been complied with and accordingly
this CERTIFICATE of Incorporation

is hereby issued to THE ARMENIAN NATIONAL COMMITTEE OF AMERICA

as of January 6, 1987

Donald G. Murray
Acting Director

R. Benjamin Johnson
Administrator
Business Regulation Administration


Vandy L. Jamison, Jr.

Assistant

Superintendent of Corporations
Corporations Division

Marion Barry, Jr.
Mayor



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ARTICLES OF INCORPORATION

DCRA

OF

JAN 6 10 07 AM '97

THE ARMENIAN NATIONAL COMMITTEE OF AMERICA

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a Corporation pursuant to the District of Columbia Nonprofit Corporation Act:

FIRST: The name of the Corporation is The Armenian National Committee of America.

SECOND: The period of duration is perpetual.

THIRD: The purpose or purposes for which the Corporation is organized is as follows:

Promote greater public understanding of the aspirations of the Armenian people and its historic ties to the United States.

Propose and guide policy on matters of common interest to Armenian-Americans through participation in the American democratic process.

Gather and disseminate information affecting the Armenian-American Community.

For the Purposes aforesaid, the Corporation shall have the following powers:

(1) To amend the Articles of Incorporation with the consent of such number of the members as may be permitted by law and as set forth in the By-Laws of this Corporation.

(2) To do and perform all lawful acts and things deemed necessary or proper in the judgment of the Board of Directors to promote the objects of the Corporation.

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ANCA
INCORPORATION ARTICLES
page 2

(3) The foregoing enumeration of the powers of the Corporation is made in furtherance and not in limitation of the powers conferred upon the Corporation by law, and it is not intended by the mention of any particular power to limit or restrict any of the powers granted to the Corporation by law.

(4) All of the powers hereinbefore granted to the Corporation are to be so exercised that no part of any money or other assets received from any source by the Corporation, which is a nonprofit Corporation, shall at any time in any manner inure to the benefit of any member, director, officer, or other individual, except that reasonable compensation may be paid to members or nonmembers of the Corporation for services actually rendered in carrying out the purposes and objects of the Corporation. The Board of Directors shall have the right to dissolve the Corporation in conformity with the provisions of the District of Columbia Nonprofit Corporation Act when, in its judgment, such dissolution is necessary and proper. Upon dissolution, the assets, funds and property of the Corporation shall be assigned and conveyed to or for the use of one or more other organizations or its successor provision, as shall be designated by the Board of Directors.

FOURTH: The Corporation will not have any members.

FIFTH: The business of the Corporation shall be managed by a Board of Directors; the number of Directors may be increased in accordance with the By-laws of the Corporation, but shall never be less than three (3).

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**ANCA
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page 3**

SIXTH: The Address, including street and number, of its initial registered office is 1901 Pennsylvania Ave, Suite 503, N.W., Washington, D.C. 20006 and the name of its initial registered agent at such address is Mr. Vahé Yacoubian. The Board of Directors by a majority vote may change the location of the principal office to any place within the United States of America.

SEVENTH: The number of directors constituting the initial Board of Directors is Five (5), and the names and addresses, including street and number, of the persons who are to serve as the initial Directors until their successors be elected or appointed in accordance with the By-Laws are:

- 1. Mr. Garo Armenian
6006 Balsam Drive
McLean, Va. 22101**
- 2. Mr. Levon Kirakosian
717 W. Temple St. , Suite 222
Los Angeles, Ca. 90012**
- 3. Mr. Aram Kailian
GSB Building, Suite 518
City Line & Belmont Ave.
Bala Cynwyd, Pa. 19004**
- 4. Mr. Manas Boujikian
1742 Crenshaw Blvd.
Torrence, Ca. 90501**
- 5. Mr. Hrayr Boyadjian
3009 Black Swist Rd.
Norristown, Pa.**

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EIGHTH: The name and address, including street and number, of each incorporator is:

1. **Mr. Vahé Yacoubian**
1816 New Hampshire Ave.,
Suite #408
Washington, D.C., 20009
2. **Mr. Aram Kailian**
GSB Building, Suite #518
City Line & Belmont Ave.
Bala Cynwyd, Pa. 19004
3. **Mr. Levon Kirakosian**
717 W. Temple St.
Suite 222
Los Angeles, Ca. 90012


Mr. Vahé Yacoubian


Mr. Aram Kailian


Mr. Levon Kirakosian

INCORPORATORS

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Executed this 29th day of December, 1986
STATE OF CALIFORNIA
~~District of Columbia~~ ss:
COUNTY OF LOS ANGELES

I, SARKIS OURFALIAN, a Notary Public in and forth the ^{State} District
of ^{CALIFORNIA} Columbia, hereby certify that on the 29th day of
December, 1986, personally appeared before me, Mr. Vahe Yacoubian
who, being by me first sworn, declared, that they signed the fore-
going document as incorporators, and that the statements therein
contained are true.

Sarkis Ourfalian
Notary Public



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INCORPORATION ARTICLES
page 6

Executed this 17 day of JUNE, 1986

District of Columbia, ss:

I, MARTIN A. NAAS, a Notary Public in and forth the ^{Lower Merion Twp} District
^{Montgomery Co PA} of ~~Columbia~~, hereby certify that on the 17 day of
JULY, 1986, personally appeared before me, Mr. Aran Kailian,
who, being by me first sworn, declared, that they signed the fore-
going document as incorporators, and that the statements therein
contained are true.

Martin A. Naas
Notary Public
My commission expires 3/87

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GENERAL ACKNOWLEDGMENT

NO. 27

State of California }

County of Los Angeles }

On this the 24th day of June, 1965, before me,

Silva Berejikian,

the undersigned Notary Public, personally appeared

Leon Kirakosian,

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is subscribed to the
within instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Silva Berejikian
Notary's Signature



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Contribute now to Citizens for Krikorian

I would like to contribute:

☐ \$25.00 ☐ \$50.00 ☐ \$100.00 ☐ \$250.00

☐ \$500.00 ☐ \$1,000.00 ☐ \$2,400.00 ☒ \$ 1.00

I would like to make this contribution:

☒ Once ☐ Each month, for the next _____ months.

Payment Information

ActBlue

We accept Visa, Mastercard, American Express, and Discover.

Stored your information with ActBlue Express? [Log in now.](#)

First Name _____

Last Name _____

Credit Card Number _____

Expiration Date

1 . 2009 .

Home Address _____

Phone _____

City _____

State _____

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E-mail _____

Country

United States

☒ Please e-mail me occasional updates about ActBlue. (See our [privacy policy](#).)

Employment Information

Campaign finance law requires us to collect and report your occupation and employer. In some cases, without this information we will be forced to refund your contribution. Please do not leave blank or enter "N/A".

Occupation _____

Employer _____

If not employed, please enter "not employed". Complete even if self-employed.

If not employed, please enter "none".
If self-employed, please enter "self".

Contribution Eligibility



I confirm that the following statements are true and accurate.

1. I am a United States citizen or a permanent resident alien.
2. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.
3. I am making this contribution with my own personal credit card and not with a corporate or business credit card or a card issued to another person.
4. I am not a federal contractor.
5. I am at least eighteen years old.

Why Tip ActBlue?

ActBlue does not make a profit off of your contribution. We're a political non-profit whose mission is to help Democrats win.

We depend on your support to continue our work, to help more campaigns, and to improve our services. Please leave us a tip.

☒ No tip ☐ \$0.05 (5% tip) ☐ \$0.10 (10% tip) ☐ Other: \$ _____

Continue—almost finished

Contributions are not tax-deductible for federal income tax purposes.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer for individuals whose contributions exceed \$200 in a calendar year.

Paid for by ActBlue (www.actblue.com) and not authorized by any candidate or candidate's committee.
Contributions to ActBlue are not tax deductible.

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PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On September 17, 2009, I deposited with Federal Express, a true and correct copy of the within documents:

**ARMENIAN NATIONAL COMMITTEE OF AMERICA'S
ANSWER TO COMPLAINT #MUR 6211**

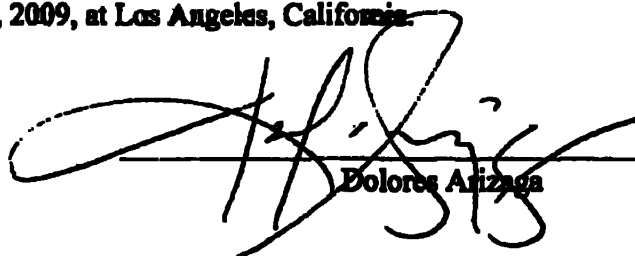
in a sealed envelope, addressed as follows:

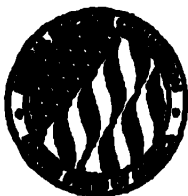
**Thomasenia P. Dunoma
General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463**

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 17, 2009, at Los Angeles, California.


Dolores Arizaga



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999 E Street, NW
Washington, DC 20463

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OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

MUR# 6211

NAME OF COUNSEL: Sarah P. Corman

FIRM: Burke, Williams & Sorensen

ADDRESS: 444 S. Flower Street, Suite 2400

Los Angeles, CA 90071

TELEPHONE- OFFICE (213) 236-2709

FAX (213) 236-2700

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

9/17/2009

Date

Kenneth V. Hasikian

Respondent/Client Signature

Chairman

Title

RESPONDENT/CLIENT Armenian National Committee of America
(Please Print)

MAILING ADDRESS: 1711 N Street NW, Washington, DC 20036

TELEPHONE- HOME ()

BUSINESS (202) 775-1918

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(1)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation.

Rev. 2006

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